

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
NORTHERN DIVISION

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SHAWN H. RAY, GABRIEL M.  
STEWART, LORI POULSEN, JAMES  
DALLIN, DEREK HOLT, and ERIC  
HUNTER,

Plaintiffs,

vs.

WAL-MART STORES, INC.,  
Defendant.

ORDER OF CERTIFICATION

Case No. 1:11-cv-104

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Under Rule 41 of the Utah Rules of Appellate Procedure, the United States District Court for the District of Utah hereby certifies and requests that the Utah Supreme Court answer the following question of law:

Is the right of self-defense a substantial public policy exception to the at-will employment doctrine, which provides the basis for a wrongful discharge action?

This issue of law is controlling in the proceeding pending before the court and there appears to be no controlling Utah law.

The factual and procedural background of the case are discussed in the court's Memorandum Decision and Order on Defendant's Motion for Summary Judgment that was issued on October 8, 2013. (Dkt. No. 117.) This Memorandum Decision and Order also includes an analysis of why the court believes that it is appropriate to invite the Utah Supreme

Court to answer the certified question.

ORDER

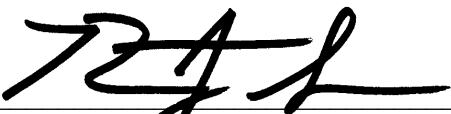
For the reasons discussed in the court's attached Memorandum Decision and Order, the court hereby ORDERS that, under Rule 41 of the Utah Rules of Appellate Procedure, the following question is certified to the Utah Supreme Court:

Is the right of self-defense a substantial public policy exception to the at-will employment doctrine, which provides the basis for a wrongful discharge action?

It is further ORDERED that the Clerk of the United States District Court shall transmit a copy of this certification to the parties and shall submit to the Utah Supreme Court a certified copy of this certification along with the court's Memorandum Decision and Order from October 8, 2013. Should the Utah Supreme Court determine that it requires any additional portion of the record to be filed, this court orders the Clerk of the United States District Court to transmit the requested records.

DATED this 11th day of October, 2013.

BY THE COURT:

  
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ROBERT J. SHELBY  
United States District Judge